

CIA INTERNAL USE ONLY

CONFIDENTIALJournal - Office of Legislative Counsel
Tuesday - 19 October 1976

Page 7

25. [REDACTED] LIAISON Called Frank Sullivan, Senate Armed Services Committee staff, and arranged for a meeting this afternoon to discuss an incoming cable from [REDACTED] referencing an Air Force cable to the field setting forth the itinerary for Senators Sam Nunn (D., Ga.) and Dewey Bartlett (R., Okla.). [REDACTED] said he would handle.

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26. [REDACTED] LIAISON Prompted by an inquiry [REDACTED] Retirement Division, I called Bob Lockhart, Counsel, House Post Office and Civil Service Committee, for a rundown on the provision in the recently passed Tax Reform Act which revised the sick pay exclusion for employees and retirees. Under the revision, the \$100 per week exclusion for employees has been stricken; the exclusion of up to \$5,200 per year is limited now only to disability retirees who are completely disabled for any kind of employment and stops at age 65. Further, such total and permanent disabled retirees lose dollar for dollar for the amount of their pay over \$15,000 and have no deduction if they receive over \$20,000.

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27. [REDACTED] LIAISON Called Mark Moran, in the office of Senator John Tunney (D., Calif.), to confirm the date of the pre-trip briefing on several African countries which he and Senator Tunney will be visiting. (See Item No. 2, 7 October 1976 Journal.) Moran said they would be traveling after the election and set the briefing for 28 or 29 October. He stated that the Somali Ambassador had invited him and Senator Tunney to visit Somalia and asked that Somalia be included in the briefing if arrangements can be made to go. [REDACTED] OCI, office and the African Desk/DDO were advised.

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cc:
O/DCI
O/DDCI
Ex. Sec.
DDI DDA DDS&T
Mr. Falkiewicz
Mr. Lapham
Mr. Parmenter
SA/DO/O
IC Staff
Comptroller

GEORGE L. CARY
Legislative Counsel

CONFIDENTIAL

MORI/CDF Pages 2-7 only

25X1

Approved For Release 2006/07/28 : CIA-RDP77M00144R001100220006-3
THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

Office of Legislative Counsel

1 OCT 1976

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Frey:

Enclosed is the proposed legislative program of the Director of Central Intelligence, the Intelligence Community Staff, and the Central Intelligence Agency for the first session of the 95th Congress. This program is submitted in accordance with Office of Management and Budget Circular No. A-19, Revised.

The Director of Central Intelligence, the Intelligence Community Staff, and the Central Intelligence Agency have two principal legislative objectives for 1977. First, we are seeking enactment of legislation to establish a criminal penalty for the unauthorized disclosure of intelligence sources and methods. This legislation was proposed by the President in his 18 February 1976 message to the Congress, and was introduced as H.R. 12006 in the 94th Congress but was not considered. It is recommended for inclusion in the President's 1977 legislative program. Second, we are seeking an amendment to the National Security Act of 1947 establishing in lieu of the single position of Deputy Director of Central Intelligence two deputy positions, a Deputy Director of Central Intelligence for the Intelligence Community and a Deputy Director of Central Intelligence for the Central Intelligence Agency. We submitted this proposal to OMB in June of this year and expect its approval shortly. This legislation is necessary to further effectuate Executive Order 11905, and we recommend its inclusion in the President's 1977 legislative program.

In addition, the Central Intelligence Agency is considering seeking an amendment to Section 5(d) of the Central Intelligence Agency Act of 1949, as amended, to authorize Agency security officers to carry firearms under a broader range of circumstances than appears to be authorized currently under that Section. No final decision has been made on whether to seek this amendment in 1977.

Moreover, the Intelligence Community Staff has under consideration the possible need for amending the National Security Act of 1947 to define the Intelligence Community responsibilities of the Director of Central Intelligence. The Staff is also considering whether there is need for statutory recognition of the Intelligence Community Staff now that it has become a line item in the FY 1977 Defense Appropriations Act. No final decision has been made as to whether specific proposals will be forwarded on these two matters.

Finally, in the 94th Congress the Director of Central Intelligence supported carefully drawn legislation to authorize applications for court orders approving electronic surveillance for foreign intelligence purposes. The Director attaches great importance to this problem and is interested in participating in the consideration of any such legislation in the 95th Congress.

As you know, continuing congressional interest in statutory charters for intelligence activities may precipitate the preparation of other proposals. No laws or provisions of law affecting CIA will expire in 1977.

Sincerely,

SIGNED

George L. Cary
Legislative Counsel

Enclosure

Distribution:

Orig - Addressee, w/encl

1 - DCI, w/encl

1 - DDCI, w/encl

1 - ER, w/encl

1 - D/DCI/IC, w/encl

1/- OGC, w/encl

✓ 1 - OLC Subject, w/encl

1 - OLC OMB Liaison, w/encl

1 - OLC Chrono, w/o encl

OLC: WPB: sm (29 Sept 76)

DIRECTOR OF CENTRAL INTELLIGENCE
INTELLIGENCE COMMUNITY STAFF
CENTRAL INTELLIGENCE AGENCY

PROPOSED LEGISLATIVE PROGRAM FOR THE
FIRST SESSION OF THE 95TH CONGRESS

PART I--PRESIDENT'S PROGRAM PROPOSALS

95-1. "Intelligence Sources and Methods" - Establish Criminal Penalty For Unauthorized Disclosure: The continued effectiveness of the United States foreign intelligence collection effort is dependent upon the adequate protection of the intelligence sources and methods involved. In recognition of this, Congress, in Section 102(d)(3) of the National Security Act of 1947, made the Director of Central Intelligence responsible for the protection of Intelligence Sources and Methods from unauthorized disclosure. Unfortunately, there is currently no statutory authority to implement this responsibility. This proposed legislation would remedy this deficiency. In recent times, serious damage to our foreign intelligence effort has resulted from unauthorized disclosures of information related to intelligence sources and methods. The circumstances of these disclosures precluded punitive criminal action.

In most cases existing law is ineffective in preventing disclosures of information relating to Intelligence Sources and Methods. Except in cases involving communications intelligence, no criminal action ordinarily lies unless the information is furnished to a representative of a foreign power or the disclosure is made with intent to harm the United States or aid a foreign power. Except in the case of knowingly furnishing classified information to either a foreign government or a foreign agent, prosecution requires proof, to the satisfaction of the jury, that the information affects the national defense within the meaning of the statute. This can only be established by further public disclosure in open court which may aggravate the damage to the security and intelligence interests of the United States and raises an additional obstacle to prosecution. The difficulties imposed by these burdens substantially reduce the effectiveness of the general criminal statutes as a deterrent to unauthorized disclosure of sensitive Intelligence Sources and Methods information.

The proposed legislation amends Section 102 of the National Security Act of 1947 by adding a new subsection (g) defining "information relating to intelligence sources and methods" as a separate category of information to be accorded statutory recognition and protection similar to that provided "Restricted Data" under the Atomic Energy Act. The proposed law recognizes the authority of the Director of Central Intelligence and the heads of other agencies expressly authorized by law or by the President to engage in intelligence activities for the United States to limit the dissemination of information related to Intelligence Sources and Methods of collection. It provides for a criminal penalty for the disclosure of such information to unauthorized persons and for injunctive relief. The provision is specifically limited to those Federal employees, former employees, or others having a privity of relationship with the information disclosed. It does not apply to outside third parties, such as the press to whom the unauthorized disclosure is made.

The President proposed this legislation in his 18 February 1976 message to the Congress. It was introduced during the 94th Congress as H.R. 12006, but no action was taken on it.

Enactment of this proposal will not result in significant additional costs to the Federal Government. If the proposal is successful in deterring unauthorized disclosures, it would result in substantial savings to the Government, by preserving existing, often very expensive, intelligence collection systems.

95-2. Amendment of the National Security Act of 1947 to Establish a Second Statutory Deputy Director of Central Intelligence:
The National Security Act of 1947 established the Office of Director of Central Intelligence as executive head of the Central Intelligence Agency. Among his responsibilities under the Act, the Director is charged with the oversight and coordination of the foreign intelligence community. Over the years, this latter supra-departmental responsibility has become increasingly important. The President, through Executive Order 11905, has recently taken steps to further enhance the role of the Director in coordinating the activities of the Intelligence Community.

The Director's expanding duties in administering the Intelligence Community, handling relations with other components of the Government, serving as the Government's principal foreign intelligence adviser, and passing on broad questions of policy, leave him less time for day-to-day supervision of the Agency. It has become apparent that the Director must have the support of two deputies if he is to function effectively in his dual role as administrative head of the Central Intelligence Agency and overall coordinator of the Intelligence Community.

In this connection, the President's Commission on CIA Activities Within the United States has recommended the creation of two statutory deputies to improve supervision and management of the Central Intelligence Agency and to assist the Director in his Community responsibilities. The President has already taken administrative action to this effect in Executive Order 11905 by directing the Director of Central Intelligence to delegate the day-to-day operation of the CIA to the Deputy Director of Central Intelligence and by creating the position of "Deputy to the Director of Central Intelligence for the Intelligence Community" to assist the Director in his supervision of the Intelligence Community. Because of the nature of their respective positions and the responsibility imposed upon them, it is recognized that it would be desirable for both Deputies to be politically accountable officials--appointed by the President and confirmed by the Senate.

The proposed legislation amends Section 102 of the National Security Act of 1947 by creating, in lieu of the one Deputy Director of Central Intelligence currently provided for in that Section, two Deputy Directors: a Deputy Director of Central Intelligence for the Central Intelligence Agency and a Deputy Director of Central Intelligence for the Intelligence Community. The proposed legislation authorizes the Director to delegate to each of the Deputy Directors any of the authorities vested in him by virtue of his position as Director of Central Intelligence and as head of the Central Intelligence Agency. It provides that the Director and Deputy Directors shall be appointed by the President with the advice and consent of the Senate. It provides further that the positions of Director of Central Intelligence and Deputy Director of Central Intelligence for the Central Intelligence Agency shall not be occupied simultaneously by a commissioned officer of the armed services.

This proposal was submitted to OMB in June 1976 and was approved on 17 September 1976. Enactment of this proposal will not result in significant additional costs to the Federal Government. At present, the position of Deputy to the Director of Central Intelligence for the Intelligence Community is established at Level IV, which provides for a salary of \$39,900 under the current Executive Schedule. An upgrading of the position to Level III, which provides for a salary of \$42,000, would represent an increased salary cost of \$2,100.

PART II--ALL OTHER PROPOSALS

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PART III--PROPOSALS STILL UNDER CONSIDERATION

1. The Central Intelligence Agency is considering proposing an amendment to Section 5(d) of the Central Intelligence Agency Act of 1949, as amended, to authorize Agency security personnel to carry firearms under a broader range of circumstances than appears to be authorized currently under that Section. Section 5(d) now provides that Agency "couriers and guards" are authorized to carry firearms "when engaged in transportation of confidential documents and materials." The proposal under consideration would authorize Agency security personnel to carry firearms for the purpose of protecting intelligence sources and methods when: (i) safeguarding confidential documents and materials; (ii) guarding Agency facilities; (iii) protecting Agency personnel, defectors and foreign persons visiting the United States under Agency auspices; and (iv) protecting operational funds.

The proposed legislation and supporting documents are in the process of being prepared, and final decision on whether to submit this proposal will be reached shortly.

2. The Intelligence Community Staff is considering proposing amendments to the National Security Act of 1947 to define the Director of Central Intelligence responsibilities in leadership of the Intelligence Community and his role in budget development and resource allocation for the Community. It also is considering whether there is need for a statutory provision recognizing existence of the Intelligence Community Staff now that it has become a line item in the FY 1977 Appropriations Act. Final determination has not yet been made as to whether either of these proposals should be submitted.

ROUTING AND RECORD SHEET

8UP

SUBJECT: (Optional)

①

Executive Registry

76-3524/2

FROM:

Legislative Counsel
7D49 HQ

STAT

EXTENSION

NO.

☐

DATE

30 SEP 1976

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Director

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OLC
7D35 HQ

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If you approve, I intend to forward to OMB the attached legislative program for the DCI, IC Staff, and the CIA for 1977, as required by OMB Circular A-19, revised. This program has been concurred in by Mr. Knoche and Mr. Lapham.

STAT

George L. Cary
Legislative Counsel

STAT

STAT

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

General Counsel

STAT

EXTENSION

☐

NO.

DATE

27 September 1976

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

Deputy Legislative Counsel

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☐ I have no problem with any of this except that I think the comments on the inadequacies of the espionage statutes (page 1, para 2 of the proposed legislative program) are a bit oversimplified. In some circumstances I think a prosecution could be maintained under these statutes, in addition to 18 U.S.C. §798, without having to show that information was disclosed with the intention of harming the U.S. or aiding a foreign power. I would propose simply that the word "ordinarily" be inserted between the words "criminal action" and "lies" in the third line of the paragraph, or in the alternative that the words "generally speaking" be inserted at the beginning of that sentence.

STAT

Anthony A. Lapham

010 76-2741

DCI/IC-76-1417

27 SEP 1976

MEMORANDUM FOR: Legislative Counsel

FROM :

[REDACTED]

STAT

Deputy to the DCI for Intelligence Community

SUBJECT : Proposed Legislative Program

1. Reference is your note of 23 September attaching a proposed letter to Mr. Frey of OMB and its enclosure, "Proposed Legislative Program for the First Session of the 95th Congress," for the DCI, ICS and CIA.

2. It is requested that the following be added at the top of page two of the letter, immediately before the final paragraph:

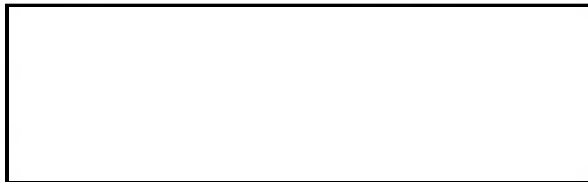
"The Intelligence Community Staff has under consideration (1) the possible need for amending the National Security Act of 1947 to define the Intelligence Community responsibilities of the Director of Central Intelligence, and (2) whether there is need for statutory recognition of the Intelligence Community Staff now that it has become a line item in the FY 1977 Appropriations Act. No final decision has been made as to whether specific proposals will be forwarded on these two matters.

"The Director of Central Intelligence is particularly interested in enactment of legislation to authorize applications for court orders approving electronic surveillance for foreign intelligence purposes along the lines of the original bill which became S.3197. This bill was reported out by the

Senate Select Committee on Intelligence on August 24, 1976, but was subjected to considerable amendment and final action was not taken by the Senate. It is assumed the Attorney General will take the lead in any follow-on efforts to obtain favorable action on this matter in the 95th Congress, and Comment is included here only to emphasize the importance which the Director of Central Intelligence attaches to the problem."

3. It is requested the following be added to page 4 at the end of "PART III--PROPOSALS STILL UNDER CONSIDERATION" of the "PROPOSED LEGISLATIVE PROGRAM..." enclosure:

"The DCI's Intelligence Community Staff is considering proposing amendments to the National Security Act of 1947 to define the Director of Central Intelligence responsibilities in leadership of the Intelligence Community and his role in budget development and resource allocation for the Community. It also is considering whether there is need for a statutory provision recognizing existence of the Intelligence Community Staff now that it has become a line item in the FY 1977 Appropriations Act. Final determination has not yet been made as to whether either of these proposals should be submitted."



STAT

☐ UNCLASSIFIED

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☐ INTERNAL
USE ONLY

☐ CONFIDENTIAL

☐ SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Executive Registry

76 - 3524

FROM:

Legislative Counsel
7D49 HQ

STAT

EXTENSION

NO.

DATE

23 September 1976

TO: (Officer designation, room number, and building)

DATE

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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OMB Circular A-19 requires each Agency to prepare and submit to OMB annually its proposed legislative program for the next session of Congress. These programs are to be submitted at the same time as the initial submission of an agency annual budget request. Attached is the legislative program which I propose to forward to OMB if you concur. Of course, we will seek the approval of the Director following your review.

Acting Legislative Counsel

cc:
D/DCI/IC
OGC

Journal - Office of Legislative Counsel
Friday - 1 October 1976

Page 4

✓ 15. (Unclassified - RLB) LEGISLATION Spoke with the following people regarding the matter of executive level pay schedules and the so-called Udall amendment to the Legislative Branch Appropriation Act (H.R. 14238): Hilda Schreiber, OMB, John Martiny, House Post Office and Civil Service Committee, and Dan Dohersty, Senate Post Office and Civil Service Committee. None of these persons had additional information indicating further action to modify the Udall amendment, which apparently cut out of the Appropriations Act funds to pay executive level officers.

16. (Unclassified - RLB) LEGISLATION Spoke with Frank Claunts, (OMB) to inform him that the Agency's letter urging support for Enrolled Bill H.R. 3495, the medical malpractice protection bill, would be over to him later today.

17. (Unclassified - RJK) LIAISON Received a call from [redacted] DIA, who requested information on whether Senator Wendell Ford (D., Ky.) had been cleared for compartmented information. I explained that this Agency does not "clear" Members of Congress but that the Senator, as a member of the Senate Committee on Aeronautical and Space Sciences, had certainly been exposed to compartmented information. I also spoke with [redacted] DIA security, who inquired about a listing of Senate Select Committee on Intelligence staff members who had compartmented clearances. I advised her that Col. Steve Harrick, OSD/Liaison, had the latest roster and she said she could easily contact him to obtain a copy.

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18. (Unclassified - RJK) LIAISON Six members of the Senate Select Committee on Intelligence visited Headquarters to receive a security briefing in connection with their compartmented clearances. They will sign the Committee's security agreement when one is finalized. The members were: Thomas Connaughton, Pamela Crupi, Marie Hertslet, Francis Kelly, Cynthia Mascioli, and Stanley Taylor. In addition, preliminary steps were taken with the Office of Security to obtain badges for Messrs. Connaughton and Taylor.

is reenacted every year. As the Attorney General said in 1909:

"The repetition and reenactment of the proviso in each of seven successive years were strange and superfluous. Further, in consequence of the repeated previous treatment of the proviso by Congress as depending upon annual repetition and reenactment for its continued operation, the elimination of the proviso when the appropriation for Farmers' Bulletins was first made in 1907 in the sundry civil appropriation act seems to show that it was then the intention of the Congress to have the rule of the proviso no longer operative.

While general and permanent enactments now not infrequently appear in appropriation acts, the presumption concerning a provision in such an act is rather against permanence.

Finally, Mr. President, I have a copy of a letter dated September 21, 1976, from the General Accounting Office to the chairman of the Post Office and Civil Service Committee of the House of Representatives. This letter indicates that the Comptroller General would not view this proviso as being permanent legislation. I ask unanimous consent that the letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., September 21, 1976.
Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on Legislative
Committee on Appropriations, U.S. Sen-
ate.

DEAR MR. CHAIRMAN: I am enclosing for your information a copy of our letter of today to the Chairman of the House Committee on Post Office and Civil Service concerning the provision adopted by the conferees in the Legislative Appropriation Act of 1977 placing a limitation on the use of appropriations for the payment of compensation. You will note that, in our opinion, pay increases to General Schedule employees and those linked to a particular rate of the Executive Schedule would not be affected by the appropriation restriction agreed to by the conferees.

I thought it important to bring this to your attention before the conference report is taken up by the Senate and the House of Representatives.

Sincerely yours,
ROBERT F. KELLER,
Acting Comptroller General of the
United States.
Enclosure.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., September 21, 1976.
Hon. DAVID N. HENDERSON,
Chairman, Committee on Post Office and
Civil Service, House of Representatives

DEAR MR. CHAIRMAN: This refers to your letter of September 17, 1976, asking 2 questions on the provision in the Legislative Branch Appropriation Act, 1977 (H.R. 14238) placing a limitation on the use of appropriations for the payment of compensation.

The language in question reads as follows:

"Provided, That none of the funds contained in this Act shall be used to increase salaries of Members of the House of Representatives pursuant to section 204a of Public Law 94-82 in excess of the salary rate in effect on September 30, 1976, for such position or officer. No part of the funds appropriated in this Act or any other Act shall be used to pay the salary of an individual in a position or office referred to in section 225(f) of the Federal Salary Act of 1967, as amended (2 U.S.C. 356), including a delegate to the House of Representatives, at a rate which exceeds the salary rate in effect on September 30, 1976, for such position or office except increases submitted by the President pursuant to section 225 of the Federal Salary Act of 1967."

The first question is whether the language "No part of the funds appropriated in this Act or any other Act" has the effect of extending the prohibition on the use of funds to any increase that would occur after the end of fiscal year 1977. You refer in particular to any increase in salaries that could occur under section 204a of Public Law 94-82, on October 1, 1977, or any date subsequent to the end of fiscal year 1977.

Our view is that a provision in an annual appropriation act may not be construed to be permanent legislation unless the language used or the nature of the provision renders it clear that such was the intention of the Congress. When the word "hereafter" or other words indicating futurity are used, or when the provision is of a general nature bearing no relation to the object of the appropriation, the provision may be construed to be permanent legislation. We find no wording in the appropriation provision here in question which shows a clear intent to enact a permanent restriction. The term "funds appropriated in this Act" clearly relates only to the funds authorized in 1977 fiscal legislative appropriation act for 1977 fiscal year. The term "or any other Act" covers the same subject matter, that is, pay increases for officers and employees. Those words standing alone are not to be considered as words of futurity. We interpret them as a prohibition on the use of funds in the various other appropriation acts for fiscal year 1977 which otherwise would be used for pay increases of officers and employees whose salaries are not paid from funds authorized by the legislative appropriation act. There are other appropriation act provisions that use the words similar to those under consideration here. They are repeated year after year in the appropriation acts, which is indicative that such provisions were not considered by the Congress to be permanent legislation. Therefore, the first question is answered in the negative.

The second question is what effect the prohibition against the use of funds contained in the quoted provision may have on the salary ceiling for positions under the General Schedule or on positions the rate of pay for which is linked to a particular level of the Executive Schedule. You point out that you have no question as to the application of the limitation to positions under the Executive Schedule. You refer however, to those positions the compensation for which is fixed by law "at an annual rate which is equal to the rate for positions" at a particular level of the Executive Schedule.

Also you refer to 5 U.S.C. 5308 which pro-

vides that pay may not be paid to employees under the General Schedule, and several other groups subject to the section, "a rate in excess of the rate of basic pay level V of the Executive Schedule."

You state that the intention of Mr. Udall was that the freeze would apply to rates of compensation of the Executive Schedule and the rates of all positions linked to the Executive Schedule by specific levels or ceilings. There were, we note, references in the debate in the Senate and House to the freeze affecting supergrades (GS-16 through GS-18). Nevertheless, the question you raise whether the language of the provision actually does this, or whether the provision can be interpreted as not freezing the rate for an employee whose position is not under the Executive Schedule but who is entitled to a rate comparable to the rate of a particular level of the Executive Schedule or who is subject to the rate for Level V under U.S.C. 5308.

The language does not suspend or postpone the operation of Public Law 94-82 and it is not therefore a limitation on the rate of pay established thereunder. The language sets a limitation on the use of funds. By its terms it restricts the use of funds otherwise available "to pay the salary of an individual in a position or office referred to in section 225(f) of the Federal Salary Act of 1967, as amended (2 U.S.C. 356)." It freezes the salary payments of those individuals at the "salary rate in effect on September 30, 1976, for such position or office."

The provisions of section 225(f) are specific as to the positions covered. There is no language in that section which refers to General Schedule employees or to employees linked to the Executive Schedule except as concerns the appropriate pay relationship between the offices and positions under 225(f) and the offices and positions in the General Schedule. (To construe mention of General Schedule employees in this context as "reference" within the meaning of the appropriation limitation in question would be to deny an increase in pay to all General Schedule employees, a result clearly not intended. And it follows that if General Schedule employees are not referred to in section 225(f), the appropriation limitation by its terms does not serve to limit their pay.) Thus, a Presidential pay schedule under 5 U.S.C. 5308 authorizing a pay raise for General Schedule and Executive Schedule employees would entitle the General Schedule employee to a raise not to exceed the rate specified by the President for level V of the Executive Schedule. Likewise, the pay increase would be due employees authorized to receive "a rate equal to a rate for a particular level of the Executive Schedule." The reason for this, as indicated above, is that the pay limitation in the legislative appropriation act does not affect the legal rate that may be set by the President for Executive Schedule positions under other pay fixing procedures. The restriction is solely on the use of funds to pay salary increases to individuals in the positions or offices specified in section 225(f). Since Executive Schedule positions are specified in section 225(f), individuals in those positions could not receive the pay increase. But the legal rates for Executive Schedule offices and positions would still be the rate set by the President and the use of these rates is not prohibited for other pay purposes. The ceiling in 5 U.S.C. 5308 would, however, restrict payment of increases of General Schedule